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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,551	02/04/2004	Warren R. Wilkins	14760	5496
23676	7590	04/12/2005		
SHELDON & MAK, INC 225 SOUTH LAKE AVENUE 9TH FLOOR PASADENA, CA 91101			EXAMINER SMITH, JAMES G	
			ART UNIT 3765	PAPER NUMBER

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/772,551

Applicant(s)

WILKINS, WARREN R.

Examiner

James G Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1, 7-14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/4/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1 and 7-14 have been considered but are moot in view of the new ground(s) of rejection.
2. Originally filed Claims 4-6, now cancelled, were previously rejected under 35 U.S.C. 103(a) as being unpatentable over Moss (5,326,510) in view of Orr (3,871,027). Applicant argues that the combination of references does not teach the instant invention of newly added Claims 17 and 18. The washcloth disclosed by Moss is structurally adapted to serve as a handkerchief and perform all the functions that a handkerchief would be expected to perform. Orr discloses a burp pad and bib that is made of an inexpensive disposal paper product to provide an absorbent article that does not require laundering. It is well known that handkerchiefs perform the same functions as the burp pad and bib disclosed by Orr making the structure relevant to the instant application. Therefore, one of ordinary skill in the art would have combined the teachings of Moss and Orr to create a handkerchief with a pouch layer on top of a base layer using an inexpensive disposable paper product to create a handkerchief that is both absorbent and disposable.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 7, 8, 10, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Debronsky, Jr. et al. (5,797,142) in view of Boynton (4,467,503). Debronsky discloses a

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washcloth that is structurally adapted to perform as a handkerchief having a base layer of soft absorbent material and a pouch layer of soft layer of material attached to base layer forming a pouch thereon. However, Debronsky does not specifically disclose the base layer of soft material being linen cloth. Boynton discloses a napkin made of linen cloth that is structurally adapted to serve in the same manner as a handkerchief. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the washcloth of Debronsky with the teaching of Boynton to make the base layer out of linen cloth for increased softness. The article of Debronsky is sized within the limitations set forth in Claims 1, 7, 8, 13, and 14. With respect to Claim 10, the pouch layer shown in FIG. 2B is U-shaped.

5. Claims 1, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benedict (2,006,708) in view of Boynton (4,467,503). Benedict discloses a washcloth that is structurally adapted to perform as a handkerchief having a base layer of soft absorbent material and a pouch layer of soft layer of material attached to base layer forming a pouch thereon. Washcloths are well known to be within the range of 9 square inches and 576 square inches. However, Benedict does not disclose the use of linen cloth for the base layer. Boynton discloses the use of linen cloth to make a napkin that is structurally adapted to serve in the same manner as a handkerchief. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the washcloth of Benedict with the teaching of Boynton to make the base layer out of linen cloth for increased softness. With respect to Claim 9, the pouch is V-shaped. With respect to Claim 12, FIG. 3 shows a cross-section of the article having two separate pouches located side by side on the base layer.

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6. Claims 1, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss (5,326,610) in view of Boynton (4,467,503). Moss discloses a washcloth that is structurally adapted to perform as a handkerchief having a base layer of soft absorbent material and a pouch layer of soft layer of material attached to base layer forming a pouch thereon. Washcloths are well known to be within the range of 9 square inches and 576 square inches. However, Moss does not disclose the use of linen cloth for the base layer. Boynton discloses the use of linen cloth to make a napkin that is structurally adapted to serve in the same manner as a handkerchief. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the washcloth of Moss with the teaching of Boynton to make the base layer out of linen cloth for increased softness. With respect to Claim 11, the pouch is rectangular shaped. With respect to Claim 13, the pouch opening is located between 2 and 4 inches below the upper edge of the base layer. With respect to Claim 14, the pouch extends downwardly below the pouch opening between 2 and 5 inches.

7. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moss (5,325 610) in view of Orr (3,871,027). Moss essentially teaches the invention of Claim 17, but fails to teach the use of non-woven material, paper, or cellulose pulp for the base layer and the pouch layer. Orr discloses the use of non-woven material, paper, and cellulose pulp for making an absorptive pad similar to the invention of the instant application. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated any of the materials required in Claims 17 and 18, as taught by Orr, to increase the ability of the article to absorb liquids and lower manufacturing costs.

***Allowable Subject Matter***

8. Claim 19 is allowed.
9. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G Smith whose telephone number is 571-272-4994. The examiner can normally be reached on 8:00-5:00, off every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS  
4/5/05

  
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SUPERVISORY PATENT EXAMINER  
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